

Before the  
Federal Communications Commission  
Washington, D.C. 20554

In the Matter of	)	
	)	
Telephone Number Portability Interval	)	CC Docket No. 95-116
	)	
NANC Submits Plan for Adjustment	)	
of Wireline-Wireless Porting Interval	)	

**COMMENTS  
OF THE  
NATIONAL TELECOMMUNICATIONS COOPERATIVE ASSOCIATION**

The National Telecommunications Cooperative Association (NTCA) submits these comments in response to the FCC's (Commission's) Second Further Notice of Proposed Rulemaking (FNPRM)<sup>1</sup> seeking comments on the North American Numbering Council's (NANC) "Report & Recommendation on Intermodal Porting Intervals" (Report)<sup>2</sup> and the accompanying initial regulatory flexibility analysis. NTCA agrees with the NANC Report conclusions that the additional cost to rural carriers and their customers to implement the necessary changes to decrease the porting interval would be too burdensome. If the Commission implements the recommended porting interval, rural carriers should be exempt from such requirements.

NTCA represents more than 560 rural rate-of-return regulated telecommunications providers, many of which would experience dramatic and unnecessary hardship if the Commission were to adopt the NANC recommendations without an exemption for rural carriers. All of NTCA's members are full service

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<sup>1</sup> *In the Matter of Telephone Number Portability Interval, Second Notice of Proposed Rulemaking*, CC Docket No. 95-116, FCC 04-217, (rel. September 16, 2004).

<sup>2</sup> NANC Report and Recommendations on Intermodal Porting Intervals, Prepared for the NANC by the Intermodal Porting Interval Issue Management Group, dated May 3, 2004.

incumbent local exchange carriers (ILECs), and each member is a “rural telephone company” as defined in the Communications Act of 1934, as amended (Act). NTCA members are relatively small, but increasingly diverse. Customer bases of NTCA members range from less than 100 subscribers to more than 50,000. The smallest member employs a staff of two, and the largest more than 400. NTCA’s members include operating companies that are organized on a cooperative, mutual aid, or nonprofit basis as well as locally owned and operated commercial telephone companies.

In this proceeding, the FCC seeks comment on the North American Numbering Council’s (NANC) Report on intermodal porting interval from wireline to wireless. As a result of the Commission’s request for an analysis of porting interval reduction, the NANC recommends that the porting interval be reduced by almost 45 percent, from 96 hours (4 days) to 53 hours (2.2 days). The Report recommends a proposal for changes to the Confirmation interval as well as the Activation interval. The Confirmation interval proposal “establishes a reduced port response time not to exceed five hours from the receipt of an error-free order by establishing a mechanized interface.”<sup>3</sup> In addition, the Report “establishes a two-day Activation Interval by requiring the old service provider to send the necessary information to the Number Portability Administration Center (NPAC) no later than 24 hours prior to the NPAC due date (Early Morning Activation).”<sup>4</sup>

The NANC concluded that this combination of changes to the interval would reduce the amount of porting time in the most cost-effective manner. The NANC considers the potential negative impacts that these changes could have on rural telephone companies. Due to the added cost of implementing the changes necessary to reduce the

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<sup>3</sup> *Second Further Notice of Proposed Rulemaking*, p. 4

<sup>4</sup> *Ibid*, p. 4

interval in any significant measure, the NANC recommends that the Commission recognize that for small rural carriers this additional cost “may not be justified considering the size of the customer base, customer density, or availability of alternate service providers.”<sup>5</sup>

NTCA agrees with the NANC’s assessment of the impact that these requirements could have on rural carriers. Small rural carriers lack the resources necessary to implement a mandatory shortened interval of this nature. The most tangible, direct cost would be the necessary software upgrades to existing systems in order to accommodate an automated process. Without these upgrades, the implementation of the recommendations in the Report will be impossible, as low-tech interfaces will not suffice.<sup>6</sup> Larger companies already have automated systems that can handle the new requests without manual intervention in the process. Without this type of system already in place, shortening the interval period from 4 to 2.2 days will be of disproportionate expense.

Many other expenses will result from shortening the porting interval unless rural carriers are deemed exempt. Most notably, guaranteeing that the number port can take place no later than 24 hours prior to the deadline would require the extension of office hours and increased personnel. Small, rural carriers operate with as few as two employees who serve many different functions for the company, and, typically, only during regular business hours. Sustaining a larger staff at longer hours in order to be compliant with a shortened portability interval is not possible or reasonable for

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<sup>5</sup> NANC Report on the Intermodal Porting Interval, p. 25

<sup>6</sup> *Id.*, p. 12

companies and cooperatives of this size. With most small carriers, this type of expansion is impossible without increasing the costs passed through to the end consumer.<sup>7</sup>

In addition to the costs of manual systems upgrades, extension of operating hours and increased personnel, a larger, more complicated challenge belies this issue. In order for a business to incorporate new requirements of this type, many internal procedures must change to accommodate said requirements. A specific revision of billing practices, systems maintenance operations, inventory tracking systems, management procedures and other types of operational practices would need to be updated in order to reflect and implement the interval change. As a component of changing the business practices, the existing and additional personnel would need to be trained in order to understand and operate the automated systems and the new procedures that accompany the change.

Committing to fiscal obligations for this type of modification is not justifiable for small rural carriers given the very limited amount of demand for wireline to wireless number porting. Moreover, the demand for the number porting to be completed faster has and is expected to remain low to insignificant, deeming the financial investment unnecessary, inefficient and wasteful. The small benefit of shaving some time off of the little-demanded porting interval does not justify the business overhaul and the associated costs, ultimately borne by the end user. Rural carriers already have the weighty burden of serving high-cost, low-density regions of the country with advanced, quality services. Rural carriers are charged with building infrastructure to provide broadband services in accordance with the Commission's goals of deploying broadband in "a reasonable and

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<sup>7</sup> The Commission questions whether the costs of complying with a shortened porting interval should be recoverable in LNP implementation charges passed to the consumer. Given that the costs would not be incurred if not for the porting requirement, they are appropriately recoverable in an LNP end user charge.

timely basis to all Americans.<sup>8</sup> The need for advanced, quality services in rural and remote regions far outweighs any possible need to reduce the wireline to wireless porting interval. Given the limited resources of rural carriers, advancing these goals simultaneously would be fiscally impossible. A choice in priority must be made by the Commission. Small carriers cannot survive rulemaking that does not consider the financial limitations posed by low-density regions and rural consumers cannot afford the disproportionate expense. The Commission is bound to consider these limitations in their rulemaking under the Regulatory Flexibility Act, if not by reason alone.

## CONCLUSION

For the foregoing reasons, if the Commission should reduce the number porting interval per the NANC recommendations, it should ensure that small rural companies are exempt from the change.

Respectfully submitted,

NATIONAL TELECOMMUNICATIONS  
COOPERATIVE ASSOCIATION

By: /s/ Dorie Pickle  
Dorie Pickle  
Regulatory Analyst

By: /s/ L. Marie Guillory  
L. Marie Guillory  
703 351-2021

By: /s/ Jill Canfield  
Jill Canfield  
(703) 351-2020

Its Attorneys

4121 Wilson Boulevard, 10<sup>th</sup> Floor  
Arlington, VA 22203  
703 351-2000

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<sup>8</sup> FCC News Release, September 9, 2004. Available Online:  
[http://hraunfoss.fcc.gov/edocs\\_public/attachmatch/DOC-251959A1.doc](http://hraunfoss.fcc.gov/edocs_public/attachmatch/DOC-251959A1.doc).

## CERTIFICATE OF SERVICE

I, Gail Malloy, certify that a copy of the foregoing Comments of the National Telecommunications Cooperative Association in CC Docket No. 95-116, FCC 04-217 was served on this 17th day of November 2004 by first-class, U.S. Mail, postage prepaid, to the following persons.

/s/ Gail Malloy

Gail Malloy

Chairman Michael K. Powell  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B201  
Washington, D.C. 20554

Commissioner Kathleen Q. Abernathy  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-B115  
Washington, D.C. 20554

Commissioner Kevin J. Martin  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A204  
Washington, D.C. 20554

Commissioner Michael J. Copps  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-A302  
Washington, D.C. 20554

Best Copy and Printing, Inc.  
445 12th Street, SW  
Room CY-B402  
Washington, D.C. 20554

Commissioner Jonathan S. Adelstein  
Federal Communications Commission  
445 12<sup>th</sup> Street, SW, Room 8-C302  
Washington, D.C. 20554

Sheryl Todd  
Federal Communications Commission  
Telecommunications Access Policy  
Division  
Wireline Competition Bureau  
445 12<sup>th</sup> Street, SW, Room 5-B540  
Washington, D.C. 20554